

STATE OF CONNECTICUT

OFFICE OF VICTIM ADVOCATE
505 HUDSON STREET, HARTFORD, CONNECTICUT 06106

Michelle S. Cruz, Esq.
State Victim Advocate

**Testimony of Michelle Cruz, Esq., State Victim Advocate
Submitted to the Judiciary Committee
Friday, April 1, 2011**

Good morning Senator Coleman, Representative Fox and distinguished members of the Judiciary Committee. For the record, my name is Michelle Cruz and I am the Victim Advocate for the State of Connecticut. Thank you for the opportunity to provide testimony concerning:

Raised Senate Bill No. 1097, An Act Concerning Reports on the Training of Prosecutorial Officials

The Office of the Victim Advocate (OVA) fully supports this proposal as it will require the Chief State's Attorney to report the number of trained prosecutors and the type of training provided. The OVA, however, would respectfully request that the Committee amend the proposal to specify that newly appointed prosecuting attorneys and existing prosecuting attorneys are mandated to attend training relating to crime victim rights, domestic violence and sexual assault each year. Although prosecuting attorneys are required to attend trainings, they are permitted to choose the training they wish to attend. I would imagine that most will elect trainings they are comfortable with rather than attend a more beneficial training.

Although our state adopted constitutional rights for crime victims in 1996, I can say with a strong degree of confidence that the rights of crime victims are being routinely violated every day across our state. As the OVA moves around the state to conduct programs of public education and awareness relating to the rights of crime victims, we are constantly confronted by crime victims, as well as members within the criminal justice community, regarding the information presented. For example, the OVA held a training for all victim advocates in 2009. The training was very well attended, including victim advocates from the Office of Victim Services, CT Coalition Against Domestic Violence, CT Sexual Assault Crisis Services and Mothers Against Drunk Driving. During the training, the OVA provided each advocate with a copy of the written order of restitution (Judicial Form JD-CR-130), which is a valuable tool for crime victims seeking restitution from the offender in criminal court. More than ninety percent of the advocates in attendance had never seen or heard of this written order of restitution. Had the training been limited to new advocates that would not have been a surprise; however, the training was attended by advocates with years of experience as well as newer advocates.

Additionally, there have been many instances where the OVA has attended court proceedings with a crime victim to advocate for their rights in criminal court and has been faced with resistance from the prosecutor, whether it be regarding restitution or

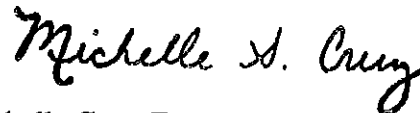
another right guaranteed to crime victims under the state constitution. The fact that a prosecutor or other member of the criminal justice community is not aware of every law is not of alarming concern. Nonetheless, prosecutors represent the state and are bound by ethical standards and professional conduct standards. At the very least, prosecutors should be well versed with the constitutional rights of crime victims as they are also obligated to ensure protection of constitutional rights whether for defendants or crime victims.

It has been reported to the Governor's Task Force on Justice for Abused Children through evaluations of the multi-disciplinary teams (MDT), (The MDTs consist of the individuals who conduct the forensic interviews of child sexual assault victims and also law enforcement, Department of Children and Families, social workers, prosecutors, and advocates) that in some Courts, the prosecutors rarely prosecute sexual assault cases unless the case is a "slam dunk" or a "perfect case". It is well known that sexual assault cases are often difficult to investigate, and further, one of the most difficult types of cases to prosecute. Additionally, the seasoned sexual assault perpetrator will be skilled in grooming his or her victims, and take great strides to eliminate evidence, witnesses and cover his or her tracks. Often times the perpetrators of sexual abuse of our children are the repeat offenders, who, over time, become more skilled in their tactics and penetrate families who are often in need of support. As a result, prosecutors need to be well-trained on the best practices for prosecuting sexual assault cases and so they are confident in prosecuting these cases and immobilizing these dangerous offenders.

Similarly, as we incorporate specialized domestic violence dockets throughout the state, prosecutors will require additional training on domestic violence to achieve the docket's full potential and benefits. Most courts experience a yearly rotation of judges and prosecutors. Domestic violence training should be required for all prosecutors to ensure that during rotations, vacations or other unforeseen absences, the courts are equipped with a well trained and experienced prosecutor. We know that not every domestic violence case will be handled through the domestic violence dockets and therefore every prosecutor will need to be trained.

Thank you for consideration of my testimony. I strongly urge the Committee to support Raised Senate Bill No. 1097, with the recommended changes.

Respectfully submitted,

A handwritten signature in black ink that reads "Michelle A. Cruz". The signature is written in a cursive, flowing style.

Michelle Cruz, Esq.
State Victim Advocate